



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

July 9, 2004

Wayne Presby
MWH Preservation Ltd. Partnership
Rte 302
Bretton Woods, NH 03575

LETTER OF DEFICIENCY# WSEB 04-090
CERTIFIED MAIL# 7000 0600 0023 9933 7777

Subject: Carroll - Public Water System: Rosebrook Water Co., Inc. (EPA# 0382010)

Dear Mr. Presby:

The records of the Department of Environmental Services (DES) show that the Rosebrook Water Co., Inc. water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system serving 15 or more services, or 25 or more people for 60 days or more a year.

RSA 485:8, II prohibits the addition of a source to a public water system without approval by DES. As part of the approval process, NH Administrative Rule Env-Ws 378.04(a)(10) requires the water system to demonstrate that the proposed new source can continuously deliver acceptable water quality. By way of a letter dated July 29, 2003, DES gave *conditional* approval to the new gravel packed well #2. A copy of the letter is enclosed for your review. Pursuant to Env-Ws 378.04(a)(10), the second condition listed under the heading of "Conditions of Approval" is as follows.

"The water system shall sample quarterly for VOCs, sodium, chloride, and nitrates. Sample results shall be submitted to Diana Morgan at DES. If any contamination from VOCs, or if any of the above contaminants are detected in water withdrawn from the well at concentrations that exceed the maximum contaminant level, a new source of drinking water must be sought."

DES records indicate that the water system failed to submit the required sample results for the fourth quarter of 2003 and the first and second quarters of 2004. As a result, the water system has violated Env-Ws 378.04(a)(10) and one of the conditions for the approval of gravel packed well #2.

DES believes the identified violations can be corrected and future violations prevented by taking the following actions:

1. **By August 13, 2004**, submit the required third quarter 2004 VOC, sodium, chloride, and nitrate sample results of gravel packed well #2 to DES.

Letter of Deficiency #WSEB 04-090

Rosebrook Water Co., Inc.

July 9, 2004

Page 2 of 2

Please remember to continue to submit the analysis results for the above listed contaminants to DES each calendar quarter. To assist you in fulfilling your responsibility, a Master Sampling Schedule that reflects the additional sampling requirements for gravel packed well #2 is enclosed.

The July 29, 2003 DES letter granting conditional approval for gravel packed well #2 stated that the combined withdrawal of gravel packed wells #1 and #2 could not exceed 540,000 gallons in any 24-hour period. The letter further noted that DES determines compliance with this withdrawal limit from information supplied by the water system to the Water Use Registration Program. The letter requested that the new gravel packed well #2 be registered with the Program and that water usage from the new source be reported. DES records show that gravel packed well #2 has not been registered with Water Use Registration Program.

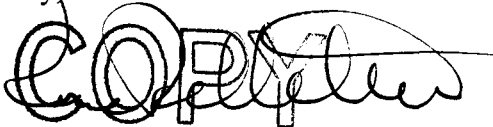
DES believes this deficiency can be corrected by taking the following action:

1. **By August 13, 2004**, register gravel packed well #2 with the Water Use Registration Program. Please contact Deb McDonnell at (603) 271-4086 or by e-mail at dmcdonnell@des.state.nh.us for information on how to register this source and what water use information must be supplied.

In the event compliance is not achieved within this time period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please call Alan Leach at (603) 271-2854 or e-mail him at aleach@des.state.nh.us if you have any questions regarding this letter.

Sincerely,



Rene Pelletier, P.G., Manager
Land Resource Programs

H:\WSEB\ENFMON\ENFORCE\LODS\Well Approval\2004\0382010 LOD 04-90.doc

encl: Letter Granting Conditional Approval of GPW #2, dated July 29, 2003
Master Sampling Schedule

cc: Gretchen Hamel, DES Legal Unit Administrator (w/o encl.)
Diana Morgan, WSEB (w/o encl.)
Stanley Borkowski, Town of Carroll Health Officer (w/o encl.)
Terry Welch, Primary Operator
US EPA, Region 1 (w/o encl.)